IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1776 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23.1.2003 in W.P.NO.13263 of 2000 on the file of the High Court.)

Between:

Sri Venkateswara University, represented by

Its Registrar, Tirupati, Chittoor, Chittoor District.

..... APPELLANT

AND

1. A.Doraswamy Naidu, S/o. Veeraswamy Naidu,
   Retired Employee, residing at Dr.Mutyalanaidu,
   (C/O). Yadava Street, Tirupati, Chittoor District.
   …Respondent/Writ Petitioner
2. The State of A.P. represented by its Secretary,
   Education Department, Secretariat Buildings,
   Hyderabad.
   …Respondent/Respondent No.2

Counsel for the Appellant: MR.P.SREE RAMULU NAIDU
Counsel for the Respondent No.1 : Mr.A.M. Krishna.

Counsel for the Respondent No.2: GP FOR HIGHER EDUCATION

The Court made the following :

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ORAL JUDGMENT: (By GB.J.)

The Writ Appeal is directed against the order passed by the learned single Judge in Writ Petition No.13263 of 2000, dated 23.1.2003.

2. The matter relates to implementation of A.P. Liberalised Pension Rules, 1961, in respect of the petitioner in the Writ Petition with effect from 20.1.1981, the date on which it was implemented in the University. The learned single Judge taking into consideration the similar Writ Petition having been allowed by this Court in Writ Petition No.9449 of 1986, dated 11.10.1988, also allowed the present Writ Petition. Against the said order, the University has filed the present Writ Appeal.

3. The learned Standing Counsel appearing for the appellant-University submits that the 1st respondent is not entitled for the arrears and that the Liberalised Pension Rules cannot be made applicable to him.

4. We are unable to appreciate the contention raised by the learned Standing Counsel. The learned single Judge has categorically observed in the order as follows:

> "As in respect of similar issue, this Court has already passed in W.P.No.9449/86 and directed the 1st respondent University to grant pension in accordance with the Liberalised Pension Rules w.e.f. 20.1.1981 without any arrears prior to the said date and further the 1st respondent shall not seek any additional funds from the 2nd respondent State Government therein, the 1st respondent University herein is accordingly directed to pay the pension to the petitioner in accordance with A.P. Liberalised Pension Rules, 1961 w.e.f. 20.1.1981. It is made clear that the petitioner is not entitled for any arrears prior to the said period. The 1st respondent is also further directed to implement the said order by paying the pension to the petitioner in accordance with A.P. Liberalised Pension Rules 1961 including the arrears within a period of three weeks from the date of

receipt of a copy of this order".

Since the facts in W.P.No.9449 of 1986 are similar and identical to the facts on hand, we are not inclined to interfere with the orders passed by the learned single Judge. It is also further noticed that the order passed by the learned single Judge in W.P.No.9449 of 1986 was also confirmed by a Division Bench of this Court in Writ Appeal No.633 of 1989, dated 11.11.1992.

5. The learned Standing Counsel for the University further submits that since the University does not have its own funds and it depends on the State Government, directions may be given to the State Government to place necessary funds for compliance of the orders of this Court. We are unable to accept this contention. It is for the University to make necessary arrangements.

6. In the result, the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY, J.)

01st December, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

To

1. The Registrar, Sri Venkateswara University, represented by

Tirupati, Chittoor, Chittoor District.

2. The Secretary, State of A.P. Education Department, Secretariat Buildings, Hyderabad.

3. 2 CCs to G.P. for Higher Education, High Court of A.P. (OUT).

4. 2 CD copies.